

FEDERAL COMMUNICATIONS COMMISSION
Office of the Secretary
Room 222
Washington, DC 20554

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In the Matter of
Implementation of Section 255 of the
Telecommunications Act of 1996

WT Dkt. No. 96-198

COMMENTS OF:

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I. Introduction

The Long Island Center for Independent Living, Inc. (LICIL), submits these comments to the Federal Communications Commission (FCC) on its proposed Section 255 rules. We urge the strict enforcement of those rules.

LICIL is one of the over 300 independent living centers in New York State. LICIL provides to Nassau County residents a wide range of services -- without regard to age, sex, race, religion, or disabling condition. These services include peer counseling as well as information on Social Security, Medicare, housing, Supplemental Security Income, and Medicaid. In addition, LICIL provides appropriate referrals, as well as training in independent living skills such as dressing, wheelchair transfer-, and shopping.

LICIL also lends equipment from its Equipment Loan Bank. This equipment includes manual and electric wheelchairs and a TTY Porta-printer. LICIL also provides transportation for its consumers. Over 100 trips a month have taken riders to job interviews, movies, museums, parks, shopping centers, and meetings.

Therefore, LICIL applauds the FCC for issuing proposed rules to implement Section 255 of the Telecommunications Act of 1996. Increased access to all aspects of telecommunications is vital for all men, women, and children with disabilities.

We, at LICIL, urge the FCC to adopt the suggestions contained in these comments so that the needs of all disabled

Americans are served when they need to communicate over the wires or via cellular and digital phone networks.

Persons with disabilities urgently need greater access to telecommunications for increased employment, greater access to information, vital links to family, friends, and emergency services. Neither a hearing, visual, cognitive, or physical disability should bar anyone from telecommunications. With the technical advancements and abilities of design engineers and telecommunications experts and innovative industries, the ability to create accessible telecommunications equipment for all is no longer costly, impractical, or impossible.

A lack of such vital telecommunications links can cause isolation, unemployment, illness and death.

II. Adoption of Access Board Guidelines

LICIL strongly urges the FCC to adopt the Section 255 guidelines which were issued by the Architectural and Transportation Barriers Compliance Board (Access Board) on February 3, 1998. Congress had given the Access Board the primary authority to draft these guidelines, which should now be enforced by the FCC. Although the Access Board guidelines apply to equipment manufacturers, we, at LICIL, recommend that the FCC apply these as well to service providers.

In addition to the guidelines to achieving accessibility, **we**, at LICIL, urge the FCC to adopt and enforce the following for both service providers and equipment manufacturers:

- * Disabled persons must be included in market research on new telecommunications services, products and equipment;
- * Disabled persons must be included in test trials of new telecommunications services, products and equipment;
- * Reasonable efforts should be made to validate access solutions through testing with individuals with disabilities or related organizations:
- * Manufacturers and service providers must be required to provide access to product and service information in a format disabled persons can use. In other words the manuals, customer support, technical advice and support provided to the nondisabled must be provided to the disabled individual in an accessible form;
- * Whenever a product or service or device is updated, modified, changed, or improved, the product or service must be made accessible to individuals with disabilities;
- * No update, modification, change, or improvement that

any telecommunication product or service undergoes should decrease its accessibility to the disabled:

- * All products, services, and designs must be compatible with TTY and hearing aides, including cellular phones and services;
- * All firmware, software and hardware used in telecommunications must be compatible with and accessible to the needs of the disabled user.

III. Universal Design

We, at LICIL, support the FCC's decision to require an assessment of accessibility and compatibility for each product used to telecommunicate. This is what Section 255 requires, and as stated in the Access Board guidelines, the assessment as to whether access can be achieved "cannot be bypassed simply because another product is already accessible." Rather, the goal of Section 255 is to achieve, where achievable, universal design for as many disabilities as possible. Only if that is not achievable, then is it reasonable to view the overall accessibility of the provider's products or services to determine how other functionally similar products and services can be made accessible.

IV. Enhanced Services

Disabled persons, under the Telecommunication Act of 1996, must not be simply provided with basic access to basic services. Under Section 255 all disabled persons must be provided with access to all services, basic and enhanced. Voice mail, cellular services, Internet, and interactive teleprompt services must all be accessible to all disabled persons.

V. Readily Achievable Determinations

In accordance with the Americans with Disabilities Act (ADA), all products and services used by the public, such as telecommunications, must be made accessible to persons with disabilities if "readily achievable." We accept the FCC's suggestion that technical feasibility also may be considered in determining whether access to a product or service can be achieved. However, we oppose considering the extent to which an accessible product can be marketed (when compared to inaccessible products), and the extent to which the cost of providing access will be recovered, in readily achievable determinations. These are not permissible factors under the ADA, and should not be included in a readily achievable analysis under Section 255.

VI. Complaint Process

We, at LICIL, are confused by the FCC's proposed complaint process, and in particular are uncertain as to when an individual has the right to move from the "fast track" to the "informal" or "formal" complaint processes, or when a complaint would be moved to an alternative dispute resolution process. We request clarification of these points in the final rules, so that consumers may fully understand the means available to seek redress under Section 255. Additionally, we adamantly oppose a rule that would require consumers to first receive approval from the FCC before being permitted to bring a formal FCC complaint. This is not a requirement for other formal complaints brought before the Commission and appears to be discriminatory against individuals with disabilities.


We do support the following FCC proposals concerning consumer complaints:

- * There should be no filing fees for formal or informal complaints, and fees that currently exist for filing complaints against common carriers should be waived for complaints brought under Section 255. Waving these fees would be in the public interest.
- * There should not be any time limit for filing complaints, because one never knows when he or she will discover that a product or service is inaccessible.
- * Consumers with disabilities should be able to file a complaint by any accessible means available.
- * Manufacturers and service providers should be required to establish contact points in their companies that are accessible to consumers with disabilities.

Conclusions

We, at LICIL, and I, Patricia Moore (Executive Director, LICIL, Inc.), thank the FCC for the opportunity to submit these comments, and urge the FCC to act promptly in issuing rules that will fully ensure telecommunications access by individuals with disabilities to all forms of telecommunications now and in the future.

Respectfully submitted,


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